

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----	X	
	:	Chapter 9
In re	:	
	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	
	:	Hon. Steven W. Rhodes
Debtor	:	
-----	X	

**STIPULATION FOR WITHDRAWAL OF
SATISFIED CLAIM OF L. D'AGOSTINI & SONS, INC.**

L. D'Agostini & Sons, Inc. ("L. D'Agostini") and the City of Detroit, Michigan (the "City"), by and through their undersigned counsel, stipulate as follows in support of the entry of the *Order Withdrawing Satisfied Claim of L. D'Agostini & Sons, Inc.* attached hereto as **Exhibit 1.**

1. On February 21, 2014, L. D'Agostini filed its proof of claim [Claim No. 3166] (the "Claim") in the amount of \$202,136.73 plus interest.
2. The Claim sought \$202,136.73 plus interest as a claim under Section 503(b)(9) of the Bankruptcy Code.
3. In the ordinary course of its business, the City has paid L. D'Agostini all of the amounts sought in the Claim.
4. L. D'Agostini hereby withdraws the Claim in its entirety because the Claim has been fully satisfied.
5. Nothing in this Stipulation or the proposed order attached hereto as Exhibit 1 addresses any post-petition claims which have arisen or may arise between the City and

L. D'Agostini. Both parties fully reserve all of their respective rights with respect to any post-petition claims.

WHEREFORE the parties respectfully request that the Court enter an order in the form attached hereto as **Exhibit 1** withdrawing the Claim.

Respectfully submitted by:

L. D'Agostini & Sons, Inc.	FOLEY & LARDNER, LLP
By: <u>/s/ Keith A. McLean (with consent)</u> Keith A. McLean (P70802) Its: Staff Counsel 15801 23 Mile Road Macomb Township, MI Phone: (586) 781-5800 kmclean@ldagostini.com	By: <u>/s/ John A. Simon</u> John A. Simon (P61866) Jeffrey S. Kopp (P59485) Tamar N. Dolcourt (P73425) 500 Woodward Ave., Ste. 2700 Detroit, MI 48226 Phone: (313) 234-7100 jsimon@foley.com jkopp@foley.com tdolcourt@foley.com <i>Counsel to the City of Detroit, Michigan</i>

Dated: February 5, 2015